

FILED

NOV 19 2019

U.S. DISTRICT COURT-WVND
MARTINSBURG, WV 25401

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

ELMER LEROY KERNS,

Defendants.

Criminal No.

3:19cr60

Violations:

18 U.S.C. § 2422(b)

18 U.S.C. § 2423(b)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Coercion and Enticement)

Between on or about July 18, 2019 and July 19, 2019, in the Northern District of West Virginia, and elsewhere, the defendant, **ELMER LEROY KERNS**, using the internet and/or a cellular telephone, or any facility and means of interstate and foreign commerce, did knowingly attempt to persuade, induce, entice and coerce an individual who had not attained the age of 18 years, known to **ELMER LEROY KERNS** as 'Ally,' a 15 year old female minor, to engage in sexual activity for which any person could be charged with a criminal offense, namely Sexual Assault in the Third Degree in violation of West Virginia Code, Section 61-8B-5(a)(2), all in violation of Title 18 United States Code Section 2422(b).

COUNT TWO

(Interstate Travel for Sex with a Minor)

On or about July 19, 2019, in the Northern District of West Virginia, and elsewhere, ELMER LEROY KERNS, defendant, did knowingly travel in interstate commerce, from West Virginia, through the Commonwealth of Virginia, and back to West Virginia, for the purpose of engaging in a sexual act with a person under 18 years of age, in violation of Title 18, United States Code, Section 2423(b).

FORFEITURE ALLEGATION

(Sexual Exploitation of Children)

Pursuant to Title 18, United States Code, Section 2253, the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of Chapter 110 of Title 18, any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter, any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property, and any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from a violation of Title 18, United States Code, Section 2252A, including the following item seized from the defendant: Samsung Galaxy S9. SM-G960U, 64 GB Mobile device bearing IMEI: 356417097356543.

A True Bill,

/s/ _____
Grand Jury Foreperson

/s/ _____
WILLIAM J. POWELL
United States Attorney

Kimberley D. Crockett
Assistant United States Attorney